

THE HONOURABLE Dr. JUSTICE G. YETHIRAJULU

WRIT PETITION No.13375 of 2004

ORDER:

Having heard the learned counsel for the petitioner and the learned Government Pleader for Transport appearing for the respondents, this matter is taken up for disposal at the stage of admission.

2. The petitioner approached this Court seeking a direction to the first respondent to release the vehicle seized by the second respondent, for interim custody, pending verification of the documents of the vehicle. The petitioner's vehicle bearing No.TSJ 9399 was seized by the second respondent on 20.7.2004 on the ground that the petitioner failed to produce the documents relating to the vehicle. The question, whether the petitioner is having valid documents relating to the vehicle or not, has to be verified on production of the documents by the petitioner. If the vehicle is kept idle, it is likely to be damaged. Therefore, I am inclined to give a direction to the first respondent to release the vehicle in favour of the petitioner for interim custody.

3. In the result, the writ petition is disposed of with a direction to the first respondent to grant interim custody of the vehicle in question to the petitioner on the condition of the petitioner depositing Rs.5,000/- (Rupees Five thousand only) and on the following conditions:

- i. that the vehicle in question shall not be alienated or transferred to any other person;
- ii. that the vehicle shall be produced as and when required by the concerned authority; and
- iii. that the amount deposited shall be adjusted, if the authority found that the petitioner violated the provisions of the Motor Vehicles Act and Rules framed thereunder.

No order as to costs.

Dr.G.YETHIRAJULU,J

Date : AUGUST 02, 2004.

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Deputy Transport Commissioner & Regional Transport Officer,

Nellore, Nellore District.

2 The Motor Vehicles Inspector, Nellore, Nellore District.

3 The Government Pleader for Transport, High Court Buildings,

Hyderabad. (OUT)

4 Two C.D. Copies.

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST

TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

-

WRIT PETITION NO : 13375 of 2004

Between:

K.V. Antony, S/o. Varghese, Aged 51 Years,
C/o. Nehru Niketan English Medium School,
Lakshmipuram, Nellore-2, Nellore District.

..... PETITIONER

AND

- 1 Deputy Transport Commissioner & Regional Transport Officer,
Nellore, Nellore District.
- 2 Motor Vehicles Inspector, Nellore, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus, declaring the action of the respondents in seizing and detaining the petitioner's Light Motor Vehicle - (Mahindra & Mahindra Van) bearing Registration No. TSJ 9399, pursuant to the Vehicle Check Report No. 130949, dated 20-07-2004 of the 2nd respondent as illegal, arbitrary and contrary to law and consequently direct the respondents herein to release the said vehicle to the petitioner, forthwith.

Counsel for the Petitioner : MR.V.NARASIMHA REDDY

Counsel for the Respondent Nos.1 and 2: GP FOR TRANSPORT

The Court at the admission stage made the following :